

In The Court Of Appeal Of The State Of California

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Sixth Appellate District

San Jose, California

MONDAY, JANUARY 8, 2007

H029952 NGHIEM v. FUJITSU MICROELECTRONICS, INC., et al.

By the Court*:

Appellant's petition for rehearing and request for judicial notice are denied.

Filed: January 8, 2007

*Before Rushing, P.J., Premo, J. and Elia, J.

H029068 PEOPLE v. VENEGAS, JR.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed January 8, 2007

H028811 PEOPLE v. WALTERS

The order denying defendant's motion to correct the calculation of credit is affirmed. (not published)

(Rushing, P.J.; I concur: Elia, J.; I concur in the judgment only: Mihara, J.)

Filed January 8, 2007

H028819 PEOPLE v. GARNICA

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed January 8, 2007

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 8, 2007 (continued)

The following cases are submitted this date:

H029992 PEOPLE v. WILLIAMS
H030134 PEOPLE v. PALMER
H030220 PEOPLE v. RUBALCABA
H029820 PEOPLE v. YOUNG
H030023 MARISCO v. EL CAMINO SURGERY CENTER, et al.
H030091 PEOPLE v. LAMMERS
H030141 PEOPLE v. DUONG
H030247 PEOPLE v. FAJARDO
H029858 PEOPLE v. GOMEZ
H030035 PEOPLE v. CURTIS
H030050 PEOPLE v. GOODWIN, JR.
H029867 PEOPLE v. HERNANDEZ
H030376 PEOPLE v. INFANTE
H029442 PEOPLE v. MARTINEZ
H029724 PEOPLE v. LOPEZ
H030145 PEOPLE v. BERNARD
H030418 PEOPLE v. HAMPTON
H029975 FUENTES v. DUFFY
H030025 PEOPLE v. TOWNSEND
H030553 PEOPLE v. ULLOA
H030197 In re CHRISTOPHER H.; D.F.C.S. v. HELEN W.
H030787 JOSE M., et al. v. SUPERIOR COURT
H023584 PEOPLE v. MODIRI
H030498 PEOPLE v. PERKINS

TUESDAY, JANUARY 9, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H029535 PEOPLE v. TOSCANO

Cause called and argued by Philip Brooks appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029059 PEOPLE v. MAGANA

Cause called and argued by Jonathan Grossman appearing for Appellant and by Jill Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029394 PEOPLE v. MARTINEZ

Cause called and argued by Paul Couenhoven appearing for Appellant and by Michele Swanson, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

In The Court Of Appeal Of The State Of California

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Sixth Appellate District

San Jose, California

Tuesday, January 9, 2007 (continued)

H029884 PORTER v. SUPERIOR COURT (PEOPLE)

Cause called and argued by Romano Clark appearing for Petitioner and by William Kuimelis, Deputy Attorney General, appearing for Real Party in Interest. Cause ordered submitted.

Premo, J. and Elia, J. leave the bench and Mihara J. and McAdams, J. join Rushing, P.J. in the panel.

H026841 SCHMIDLIN v. CITY OF PALO ALTO, et al.

H027685 SCHMIDLIN v. CITY OF PALO ALTO, et al.

Cause called and argued by Mark Martel appearing for Appellant Michael Schmidlin and by Scott Pinsky appearing for Appellants City of Palo Alto, et al. Cause ordered submitted.

Court is in recess.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Bamattre-Manoukian, J.; Mihara, J.; and J. Michel, Deputy Clerk.

H028937 PEOPLE v. FOX

Cause called and argued by Hilda Scheib appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench and Duffy, J. takes the bench.

H028693 PEOPLE v. ALBINO

Cause called and argued by Orozo Williams Childs appearing for Appellant and by Arthur Beever, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Premo, J. and Manoukian, J. leave the bench and Elia, J. and McAdams, J. take the bench.

H030303 JANE DOE 8015, et al. v. THE SUPERIOR COURT OF SANTA CLARA COUNTY

Cause called and argued by Gerson Harry Smoger appearing for Petitioners and by Michelle Ann Childers appearing for Real Parties in Interests. Cause ordered submitted.

The Court stands in adjournment.

Sixth Appellate District

San Jose, California

Tuesday, January 9, 2007 (continued)

H029857 PEOPLE v. HAYES

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 9, 2007

H029136 ZENT LAW GROUP v. LOYA

The order denying defendant's special motion to strike is reversed and the matter is remanded to the trial court so that the court may determine whether plaintiffs can meet their burden of showing a probability of success on the merits of their lawsuit.

Defendant Loya is to have costs on appeal. (not published)
(Bamattre-Manoukian, Acting P.J.; I concur: McAdams, J.;
Dissenting opinion by Mihara, J.)
Filed January 9, 2007

H030401 PEOPLE v. O'BRIEN

By the Court*:

Appellant's petition for rehearing is denied.
Filed: January 9, 2007
*Before Bamattre-Manoukian, Acting P.J., McAdams, J. and Duffy, J.

WEDNESDAY, JANUARY 10, 2007

H029619 PEOPLE v. STREETER

By the Court*:

Appellant's petition for rehearing is denied.
Filed: January 10, 2007
*Before Elia, J., Rushing, P.J. and Premo, J.

THURSDAY, JANUARY 11, 2007

H030091 PEOPLE v. LAMMERS

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 11, 2007

In The Court Of Appeal Of The State Of California

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Sixth Appellate District

San Jose, California

Thursday, January 11, 2007 (continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H029931 PEOPLE v. TAUVIN P.

Cause called and argued by Spencer Davis appearing for Appellant and by Michael Bannister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029697 PEOPLE v. OWENS

Cause called and argued by Joan Isserlis appearing for Appellant and by Christopher Wei, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029838 SACK, et al. v. MILLER, et al.

Cause called and argued by Anthony Santucci appearing for Appellants and by Allonn Levy appearing for Respondents. Cause ordered submitted.

H028576 RITCHEY v. CONTINENTAL INSURANCE COMPANY

Cause called and argued by William Green appearing for Appellant and by Aaron MacLeitch appearing for Respondent. Cause ordered submitted.

H029831 ENTEZARI v. HARAVI

Cause called and argued by Matthew Newman appearing for Appellant and by Leonard Siegal appearing for Respondent. Cause ordered submitted.

Court adjourns.

H029932 BRITT v. CUPERTINO CITY COUNCIL

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 11, 2007

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

FRIDAY, JANUARY 12, 2007

H030220 PEOPLE v. RUBALCABA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 12, 2007

Sixth Appellate District

San Jose, California

Friday, January 12, 2007 (continued)

H029999 PEOPLE v. EDWARD O.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 12, 2007

H029345 SPIELBAUER v. COUNTY OF SANTA CLARA et al.

The judgment is reversed with directions to issue a writ of mandamus directing the Personnel Board to vacate its decision and reconsider the same in light of the views here expressed.
(published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 12, 2007

H029501 PEOPLE v. AGBALOG

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 12, 2007

H029814 PEOPLE v. ERNESTO H.

The gang finding is stricken, the dispositional order is reversed, and the matter is remanded for a new dispositional hearing. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 12, 2007

H030081 PEOPLE v. DAVID L.

The restitution order is reversed and the matter is remanded to the juvenile court for the entry of a new order that does not include any costs incurred in repainting the retaining wall in December 2005. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 12, 2007